



02 MAY 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BERENATO, WHITE & STAVISH, LLC  
6550 ROCK SPRING DRIVE  
SUITE 240  
BETHESDA, MD 20817

In re Application of SUN et al	:	
U.S. Application No.: 10/541,058	:	
PCT Application No.: PCT/CN03/01145	:	COMMUNICATION
Int. Filing Date: 30 December 2003	:	
Priority Date Claimed: 31 December 2002	:	
Attorney Docket No.: 8231.015	:	
For: 4-NITRO-2[(4'-METHOXY)-PHENOXY]-	:	
METHANESULFONANILIDE . . .	:	

This is in response to applicant's "Response to Notification of Defective Response" filed 21 April 2006.

**BACKGROUND**

On 30 December 2003, applicant filed international application PCT/CN03/01145, which claimed priority of an earlier China application filed 31 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 15 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2005.

On 29 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 March 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 March 2006, applicant filed an executed declaration.

On 17 April 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

On 21 April 2006, applicant filed the present response.

### **DISCUSSION**

A review of the application file reveals that the declaration filed 13 March 2006 is proper and that the Notification of Defective Response was sent in error.

### **CONCLUSION**

For the reasons above, the Notification of Defective Response (Form PCT/DO/EO/916) mailed 17 April 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 December 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 March 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459

Rec'd PCT/PTO 21 APR 2006

**BERENATO, WHITE & STAVISH**  
**6550 ROCK SPRING DRIVE**  
**SUITE 240**  
**BETHESDA, MARYLAND 20817**

**TELEPHONE (301) 896-0600**  
**FACSIMILE (301) 896-0607**

**FACSIMILE TRANSMISSION COVER SHEET**

April 21, 2006

To: Examiner John L. Anderson

703-305-3230From: Matthew Stavish

Number of Pages Sent (Including cover sheet): \_\_\_\_\_

**Comments:**

U.S. Patent Application No. 10/541,058  
Our Ref: 8231.015

Dear Examiner Anderson:

Further to our recent telephone conversation, attached hereto is our Response to the Notification of Defective Response.

Please contact us with any questions.

Matthew Stavish

**RECEIVED**  
27 APR 2006  
Legal Staff  
International Division

**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

SUN, et al.

Application No.: 10/541,058

Filed: June 29, 2005

Attorney Dkt. No.: 08231.015

For: 4-NITRO-2-[(4'-METHOXY)-PHENOXY]-METHANESULFONANILIDE  
DERIVATIVES AND THEIR PHARMACEUTICAL USE

**RESPONSE TO NOTIFICATION OF DEFECTIVE REPOSE**

Commissioner for Patents  
Washington, D.C. 20231

April 21, 2006

Sir:

In response to the Notification of Defective Response dated April 17, 2006 please note that the Declaration submitted with the Reply to Notification of Missing Requirements dated March 13, 2006 includes the true signatures of each of the inventors.

Therefore, it is believed that the Notification of Defective Response was issued in error and that all of the requirements of 35 U.S.C. §111 have been met.

Should you have any questions, please contact me at the number below.

No fees are believed to be due in connection with this filing. However, please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-0548.

Respectfully submitted,



Matthew W. Stavish  
Registration No. 36,286

Berenato, White & Stavish  
6550 Rock Spring Drive  
Suite 240  
Bethesda, Maryland 20817  
(301) 896-0600

**BERENATO, WHITE & STAVISH**  
**6550 ROCK SPRING DRIVE**  
**SUITE 240**  
**BETHESDA, MARYLAND 20817**

**TELEPHONE (301) 896-0600**  
**FACSIMILE (301) 896-0607**

**FACSIMILE TRANSMISSION COVER SHEET**

April 21, 2006

To: Examiner John L. Anderson

703-305-3230

From: Matthew Stavish

Number of Pages Sent (Including cover sheet): 4

**Comments:**

U.S. Patent Application No. 10/541,058  
Our Ref: 8231.015

Dear Examiner Anderson:

Further to our recent telephone conversation, attached hereto is our Response to the Notification of Defective Response.

Please contact us with any questions.

Matthew Stavish



## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 21 APR 2006

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22312-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,058	Zhuangrong Sun	8231.015

INTERNATIONAL APPLICATION NO.

PCT/CN03/01145

LA. FILING DATE	PRIORITY DATE
-----------------	---------------

12/30/2003

12/31/2002

CONFIRMATION NO. 2320

371 FORMALITIES LETTER



\*OC000000018531086\*

Berenato White & Stavish  
 6550 Rock Spring Drive  
 Suite 240  
 Bethesda, MD 20817

Date Mailed: 04/17/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 06/29/2005
- English Translation of the IA filed on 06/29/2005
- Copy of the International Search Report filed on 06/29/2005
- Copy of IPE Report filed on 06/29/2005
- Preliminary Amendments filed on 06/29/2005
- Oath or Declaration filed on 03/13/2006
- U.S. Basic National Fees filed on 06/29/2005
- Priority Documents filed on 06/29/2005
- Power of Attorney filed on 03/13/2006

Applicant's response filed 03/13/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/03/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the Inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,058	PCT/CN03/01145	8231.015

FORM PCT/DO/EO/916 (371 Formalities Notice)